

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: Butte Country Club
3400 Elizabeth Warren Ave.
Butte, MT 59701
2. Type of action: Application to Change a Water Right 76G 30152426
(Statement of Claim No. 76G 90656-00)
3. Water source name: Blacktail Creek
4. Location affected by project: S29, S32 & S33, T3N, R7W, Silver Bow County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The Applicant proposes to add a place of storage to Statement of Claim No. 76G 90656-00. The proposed 1.77 AF capacity pond will be located off Blacktail Creek in the NWSESW of Section 29, T3N, R7W, Silver Bow County. The historical points of diversion are located in the (1) NESESW of Section 29, and the (2) SESENE of Section 32, T3N, R7W, Silver Bow County. The second historical POD in the SESENE of Section 32 was retired in 1990 and consolidated with POD #1. POD #2 is no longer in use. The proposed POD change will move POD #1 located in the NESESW of Section 29 approximately 500 ft upstream and south/southeast of the historical POD and will be located in the SESESW of Section 29, T3N, R7W. The proposed POD will consist of a Coanda-type screen box in Blacktail Creek that will direct water to a 12" pipe that will be gravity fed to a sedimentation vault with a sluice flow control inlet. The vault outlet is an 18" pipe leading to a lined ditch that flows to a 24" pipe discharging to the proposed place of storage (pond). The place of storage will then utilize secondary diversions (3 pumps) to continue to irrigate 126.0 acres of place of use (POU). The historical POU will not change, however, 3.0 acres of the 129.0 historical acres irrigated will be retired to offset the capacity and net evaporation of the pond. The retired acres are located in the SESW of Section 29 (2.2 acres), and the NWNE of Section 32 (0.80 acres), both of T3N, R7W, Silver Bow County.

The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:

Montana Department of Environmental Quality (MDEQ)
Montana Natural Heritage Program
Montana Department of Fish Wildlife & Parks (DFWP)

TMDL Information
Endangered-Threatened Species
Dewatered Stream Information

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: No Impact

Blacktail Creek is not on the DFWP list of periodically dewatered streams. There will be no increase in use from this proposed change.

Water quality - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

Determination: No Significant Impact

Blacktail Creek is listed as Category 4A in DEQ's water quality assessment from the headwaters of Blacktail Creek to the confluence of Silver Bow Creek to the confluence of Warm Springs Creek. This stretch has been designated as having a TMDL plan for the water-pollutant combination.. The proposed project should have no impact on water quality as it entails the change of an existing water right.

Groundwater - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

Determination: No Significant Impact

The change only involves adding a storage component, and moving a point of diversion involving surface water. No impacts to groundwater will occur.

DIVERSION WORKS - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

Determination: No Significant Impact

The proposed POD change will move a POD located in the NESESW of Section 29 approximately 500 ft upstream and south/southeast of the historical POD and will be located in the SESESW of Section 29, T3N, R7W. The proposed POD will consist of a Coanda-type screen box in Blacktail Creek that will direct water to a 12" pipe that will be gravity fed to a sedimentation vault with a sluice flow control inlet. The vault outlet is an 18" pipe leading to a lined ditch that flows to a 24" pipe discharging to the proposed place of storage (pond). The design specification of the Coanda screen is a 5.5 ft profile A0.25 screen, with a capacity of 617 GPM. To limit the flow to 600 GPM, dimension a mark on the valve will be placed to indicate the proper position at 0.48 ft during active irrigation. The secondary diversion pumps in the pond will be adjusted to match the inflow rate of 600 GPM to maintain a constant water level in the pond. During the non-irrigation season the valve will be closed so no water enters the pond. During the irrigation season the Applicant will utilize secondary diversions (3 pumps) to continue to irrigate 126.0 acres of the place of use (POU) from the pond. The place of use will not change, however 3.0 acres of the 129.0 acre POU will be retired to offset the capacity and net evaporation of the pond.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."

Determination: No Significant Impact

The Montana Natural Heritage Program identified the following species of concern within the project area: Westslope Cutthroat Trout (*Oncorhynchus clarkia lewisi*), Grizzly Bear (*Ursus arctos*), Great Blue Heron (*Ardea Herodias*), and Golden Eagle (*Aquila chysaetos*) Bat Roost (Non-Cave) (Bat Roost (Non-Cave)), Rufous Hummingbird (*Selasphorus rufus*), Evening Grosbeak (*Coccothraustes vespertinus*), Ferruginous Hawk (*Buteo regalis*), Bald Eagle (*Haliaeetus leucocephalus*), Clark's Nutcracker (*Nucifraga columbiana*), Brown Creeper (*Certhia americana*), Northern Goshawk (*Accipiter gentilis*) Northern Goshawk (*Accipiter gentilis*), Black-necked Stilt (*Himantopus mexicanus*),

Other *potential* species of concern, upon request.

The proposed change is to add a 1.77 AF capacity place of storage (pond) located off Blacktail Creek in the NWSESW of Section 29, T3N, R7W, Silver Bow County. The pond or moving the POD approximately 500 ft upstream and south/southeast of the historical POD should not adversely impact any of the species of concern within this project area. The pond is intended to store water from Blacktail Creek that has already been appropriated. The intake and pond outlet will be constructed not to adversely impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern". The intake and pond outlet will not create a barrier to the migration or movement of fish or wildlife. There will not be an increase in appropriation compared to what was historically used.

Wetlands - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

Determination: No Significant Impact

Montana Natural Heritage Program identifies the point of diversion falling in a riparian woody vegetation area with scrub-shrub wetlands. The existing pond is identified as a palustrine, aquatic bed with vegetation growing on or below the water surface. This change is intended to increase the pond size and bring the place of storage into compliance with state law by adding the pond/storage element to the record.

Ponds - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.

Determination: No Significant Impact

The project proposal seeks to bring the water right of interest into compliance with state law by adding a pond/storage element to the record. The intake and pond outlet will be constructed in a way not to impact existing wildlife, waterfowl, or fisheries.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.

Determination: No Significant Impact

The use of water from Blacktail Creek for irrigation will not cause degradation of soil quality or stability. The soils at Blacktail Creek are not susceptible to saline seep.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.

Determination: No Significant Impact

Existing vegetative cover may be disturbed during expansion of the place of storage and point of diversion. The project is located on private property, and the applicants will be responsible for controlling noxious weeds.

AIR QUALITY - Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.

Determination: No Significant Impact

Adverse air quality impacts from increased air pollutants are not expected as a result of this project.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

Determination: N/A

The project is not located on State or Federal. This section is not applicable.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: No Significant Impact

None identified.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: No Significant Impact

There are no locally adopted environmental plans or goals.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: No Significant Impact

The proposed project will not impact access to or the quality of recreational and wilderness activities. The project is on private property.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: No Significant Impact

The proposed project will not impact human health by adding a place of storage and moving the point of diversion to an existing water right on private property.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*

Yes ___ *No* **XX** ___ *If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.*

Determination:

No Significant Impact

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

- (a) Cultural uniqueness and diversity? No impact.
- (b) Local and state tax base and tax revenues? No impact.
- (c) Existing land uses? No impact.
- (d) Quantity and distribution of employment? No impact.
- (e) Distribution and density of population and housing? No impact.
- (f) Demands for government services? No impact.
- (g) Industrial and commercial activity? No impact.
- (h) Utilities? No impact.
- (i) Transportation? No impact.
- (j) Safety? No impact.
- (k) Other appropriate social and economic circumstances? No impact.

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts None identified

Cumulative Impacts None identified.

3. *Describe any mitigation/stipulation measures:* None identified

4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:* No alternative identified.

PART III. Conclusion

1. *Preferred Alternative* N/A

2. *Comments and Responses* N/A

3. Finding:

Yes___ No **XX**___ Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

This project has little to no negative environmental impact.

Name of person(s) responsible for preparation of EA:

Name: Kristeen Wofford

Title: Water Resource Specialist

Date: 12/6/2022